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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,726	09/28/2005	Alan Timothy Gibbs	ENL-350-A	1108

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EXAMINER	
BASINGER, SHERMAN D	

ART UNIT	PAPER NUMBER
3617	

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/526,726	GIBBS, ALAN TIMOTHY	
	Examiner	Art Unit	
	Sherman D. Basinger	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29 and 31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,17,18,23-29 and 31* is/are rejected.

7)☒ Claim(s) *5-16 and 19-22* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 March 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/4/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The substitute specification filed March 4, 2005 has been entered.

2. The abstract of the disclosure is objected to because legal phraseology such as means has been used therein. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claim 31 is objected to because of the following informalities: in claim 31 "the suspension disconnect apparatus" has no clear antecedent. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 17, 18, 29 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Renfroe et al.

Renfroe et al discloses an amphibious vehicle having a wheel 16 mounted to a body of the vehicle so as to be movable from a protracted position (figure 2), for use of the vehicle on land, to a retracted position (figure 3), in which the wheel is stowed for use of the

vehicle on water, the vehicle further comprising a suspension means to absorb-shocks 46, 44, 48

from the wheel during land use and a retraction means 64 for moving the wheel between

the protracted and retracted positions, characterized in that the suspension means can by wing nut 40

be operatively disconnected from the wheel when the wheel is to be retracted.

Renfroe et al further discloses that the retraction means can be operatively disconnected from the wheel when the wheel is in the protracted position by removing retraction means 64 from yoke member 58, and that the wheel is mounted to the body of the vehicle by

means of one or more suspension linkages 30, the vehicle further comprising suspension

disconnect apparatus 32 for operatively connecting the suspension means to or operatively disconnecting the suspension means from, one of the suspension linkages.

With regard to claim 4, the suspension lever arm is 36 while the suspension linkages are 30.

With regard to claim 17, the retraction disconnect apparatus is bumper 94.

With regard to claim 18, the retraction lever arm is 52.

With regard to claim 29, note electric motor 156 which drives ram 52 through the gearing and screw.

With regard to claim 31, the suspension linkages are 30 and the suspension disconnect apparatus is 32.

6. Claims 1-3 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Ow.

Ow discloses an amphibious vehicle having a wheel W mounted to a body of the vehicle so as to be movable from a protracted position figure 2, for use of the vehicle on land, to a retracted position figure 5, in which the wheel is stowed for use of the vehicle on water, the vehicle further comprising a suspension means 32 to absorb-shocks from the wheel during land use and a retraction means 36 for moving the wheel between the protracted and retracted positions, characterized in that the suspension means can be operatively disconnected from the wheel when the wheel is to be retracted through the nut at the lower end of suspension means 32.

For claim 2 the retraction means can be operatively disconnected from the wheel when the wheel is in the protracted position by removing pin 38.

For claim 3 the wheel is mounted to the body of the vehicle by means of one or more suspension linkages 20, the vehicle further comprising suspension

disconnect apparatus 33 for operatively connecting the suspension means to or operatively disconnecting the suspension means from, one of the suspension linkages through the nut at the lower end of suspension means 32.

With regard to claim 28, ram 36 is double acting.

7. Claims 1-3 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 93/15923.

WO 923 discloses an amphibious vehicle having a wheel mounted to a body of the vehicle so as to be movable from a protracted position, for use of the vehicle on land, to a retracted position, in which the wheel is stowed for use of the vehicle on water, the vehicle further comprising a suspension means 40 to absorb-shocks from the wheel during land use and a retraction means 50 for moving the wheel between the protracted and retracted positions, characterized in that the suspension means can be operatively disconnected from the wheel when the wheel is to be retracted by removing its upper end from rod 48.

For claim 2 the retraction means can be operatively disconnected from the wheel when the wheel is in the protracted position by removing chain 50.

For claim 3 the wheel is mounted to the body of the vehicle by means of one or more suspension linkages 26, the vehicle further comprising suspension disconnect apparatus 39 for operatively connecting the suspension means 40 to or

operatively disconnecting the suspension means from, one of the suspension linkages.

For claim 27, suspension means 40 is a strut with a coil spring about a telescopic damper.

8. Claims 1-3, 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunagan.

Dunagan discloses an amphibious vehicle having a wheel R mounted to a body of the vehicle so as to be movable from a protracted position figure 3, for use of the vehicle on land, to a retracted position figure 4, in which the wheel is stowed for use of the vehicle on water, the vehicle further comprising a suspension means C to absorb-shocks from the wheel during land use and a retraction means 28 for moving the wheel between the protracted and retracted positions, characterized in that the suspension means can be operatively disconnected from the wheel when the wheel is to be retracted by removing it from axles 34 and 20.

For claim 3, the retraction means can be operatively disconnected from the wheel when the wheel is in the protracted position by removing it from its connection to lever 22 and flange 14c..

For claim 3 the wheel is mounted to the body of the vehicle by

means of one or more suspension linkages 12, the vehicle further comprising suspension

disconnect apparatus 20 for operatively connecting the suspension means to or operatively disconnecting the suspension means from one of the suspension linkages 12.

For claim 23-26, the upper and lower linkages are 44 and 12. The retraction means is connected to lower linkage 12 through flange 14c.

Allowable Subject Matter

9. Claims 5-16 and 19-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 571-272-6679. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sherman Basinger
Primary Examiner
Art Unit 3617

12/8/06